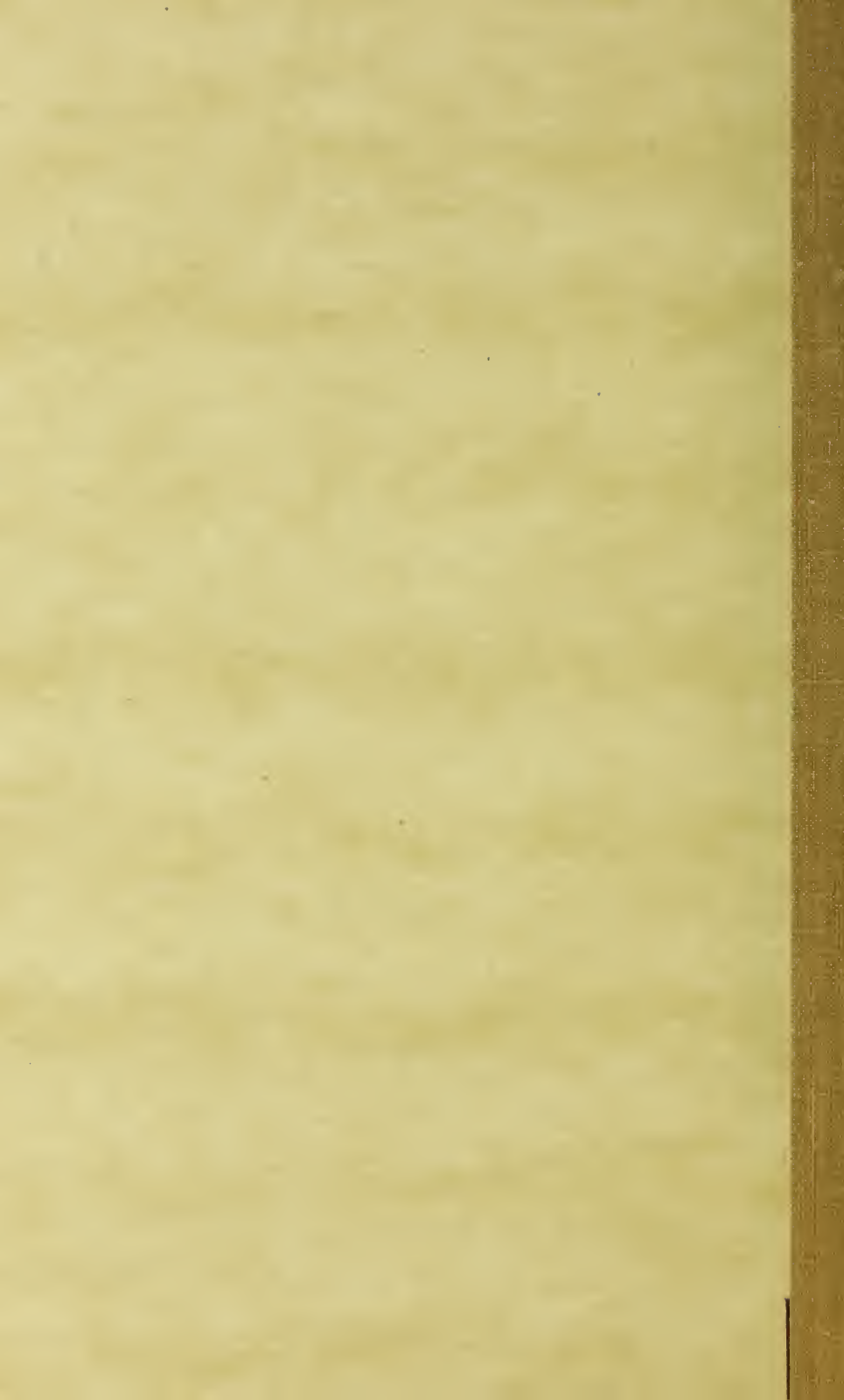


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# **RULES AND REGULATIONS**

**UNDER THE**  
**ILLINOIS PURCHASING ACT**

**Governing Purchases and Contracts**  
**By the Office of the**  
**Secretary of State**

**(Effective October 26, 1957)**



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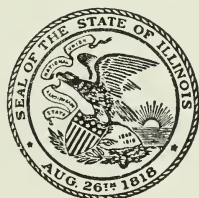


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BY THE SECRETARY OF STATE**

**PROMULGATED UNDER AUTHORITY OF THE  
ILLINOIS PURCHASING ACT**

**Effective October 26, 1957**



(Printed by authority of the State of Illinois)

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## **GENERAL**

The Secretary of State is permitted by statute to make purchases and contracts necessary for the administration of his office. All purchases and contracts must be made in accordance with the provisions of The Illinois Purchasing Act, which requires that the principles of competitive bidding and economic procurements practices shall be applicable to all purchases and contracts for which State funds are expended. The Illinois Purchasing Act may be found in the Appendix attached hereto.

Purchases and Contracts by the Office of the Secretary of State generally deal with the following items:

- Automobile
- Building Materials
- Coal
- Construction
- Furniture and Fixtures
- Maintenance supplies
- Office supplies and equipment
- Remodeling, repair and rehabilitation of buildings and equipment
- Wearing apparel



## STATEMENT OF PURPOSES

The two most important features relating to the solicitation of bids for the sale of commodities, equipment and services to the Secretary of State are: (1) to obtain contracts for such commodities, equipment and services at the lowest possible price, and (2) to contract only with persons who are responsible and capable of reliable performance. In order to accomplish these two main purposes, the Secretary of State maintains a list of persons who are regularly invited to bid for contracts in accordance with the various classifications of commodities, equipment and services which are purchased by him. Only persons who are found to be responsible after preliminary investigation by the Secretary of State are included on this list.

Any person desiring to have his name placed on the bidders list must submit his request to Charles F. Carpentier, Secretary of State, Capitol Building, Springfield, Illinois. Upon receipt of the request, the Office of the Secretary of State will mail to such person an application blank to be executed and returned.

In addition to maintaining the bidders list, the Secretary of State places newspaper advertisements regarding specific items which are to be purchased or contracted for, asking for bids for those specific items.





## STATEMENT OF AIMS

The Constitution and statutes of the State of Illinois contain certain provisions specifying how the Secretary of State is to purchase commodities, equipment and services for his use. In adopting the Purchasing Regulation, the Secretary of State sought to establish a workable, business-like, and efficient purchasing procedure based on these Constitutional and statutory provisions so as to obtain:

1. The most value for each dollar spent by the Secretary of State.
2. Reliable deliveries to the Secretary of State.
3. Uniform enforcement of the contractual obligations of all persons having State contracts.
4. Interest in bidding by all responsible manufacturers, distributors, dealers, jobbers, and others who can furnish commodities, equipment and services meeting State specifications.
5. Fair competition among bidders.
6. Full opportunity for all bidders to bid for State business on an equal basis.
7. Complete understanding by all bidders of the State's method of purchasing.
8. Complete understanding by all interested persons of the basis for awarding of any particular State contract.
9. The fairest and most practicable purchasing method combining all the above.
10. The institution of a purchasing system which will correspond to the highest business practices and thereby be fair to both bidders and the State of Illinois.



## GENERAL INFORMATION REGARDING BIDS

The persons whose names appear on the bidders list will receive invitations to bid on the various items in the classification to which their listing applies. This invitation contains the items to be purchased, the quantity of each item, the delivery time, and the specifications which must be met by all bidders. In the absence of emergencies the invitation will also contain a bid form which must be returned to the Secretary of State by the time specified in the invitation to bid.

Complete records of all bids and contracts awarded are kept in the Office of the Secretary of State and are available during regular office hours, which are 8:30 to 4:30 Monday through Friday and 8:30 to 12:00 noon Saturday, for inspection by any interested party or his representative.

Requests relating to information concerning bids and awards of contracts which are made by mail, telephone or telegram cannot be granted, the primary reason being that the volume of such requests would be so great that additional personnel not provided for in appropriations made by the Legislature would be required.

In view of the foregoing Policies, Purposes and Aims, the following Rules and Regulations are hereby promulgated by authority of The Illinois Purchasing Act.



## **ELIGIBILITY TO BID**

### **SECTION 1. BIDDERS LISTS**

A. **PRELIMINARY APPROVAL OF RESPONSIBLE BIDDER.** All vendors desiring to receive regular notices relating to the purchase of equipment and commodities and all contractors desiring to obtain contracts relating to the construction, rehabilitation, maintenance or repair of buildings under the jurisdiction of the Secretary of State should apply for the placing of their names on a bidders list in conjunction with the items upon which they desire to receive invitations to bid. Invitations to bid will be forwarded only to bidders who are financially responsible and who can be expected to deliver promptly and perform reliably under any contract entered into with the Secretary of State.

B. **HOW TO MAKE APPLICATION TO BE PLACED ON BIDDERS LIST.** The Secretary of State maintains a bidders list for the various classifications of items purchased or contracted for by him. Requests to be placed on this list must be made in person or in writing to the Office of the Secretary of State, State Capitol Building, Springfield, Illinois, indicating the classification of items the vendor proposes to furnish.

C. **APPLICATION TO BE FILLED OUT.** Upon receipt of a request to be placed on a bidders list from a vendor, the Secretary of State will furnish the vendor an application to be executed and returned to the Secretary of State. The vendor may be asked to submit a financial statement, if in the opinion of the Secretary of State a statement of this nature is required.

D. **ADDITION OF NAME TO LIST.** After approval of the application and financial statement (if required), if no reason is known to the Office of the Secretary of State why the vendor would not be a responsible bidder, his name will be placed on the bidders list for the specific items indicated in his application.

### **SECTION 2. REMOVAL OR SUSPENSION FROM LIST**

A. **REMOVAL OR SUSPENSION.** The Secretary of State may remove any bidder from a bidders list or suspend him for a specified period of time.

B. **CAUSE FOR REMOVAL OR SUSPENSION.** The following shall be sufficient grounds for such removal or suspension:

1. Delivery of commodities or equipment or the performance of contracts which does not comply with the specifications of the bidder's contract with the Secretary of State.
2. Failure to make delivery or perform services within the time specified in a contract or order.
3. Failure to keep offer firm for length of time specified by the bidder in his bid.
4. Failure to provide performance bond when required by an invitation to bid.
5. Collusion with other bidders or prospective bidders to restrain competitive bidding.
6. Giving information in an application for inclusion on a bidders list that is false or materially misleading.
7. Any substitution of an article even though of the same quality, without first securing the written consent of the Secretary of State.
8. Bankruptcy or other evidence of insolvency of the bidder.
9. Any fact causing substantial doubt as to whether a bidder is responsible and can be relied upon to fulfill his obligations under this regulation and any contract awarded to him.

10. Any violation of the Illinois Business Corporation Act or any other law of the State of Illinois which would make it inadvisable for the Secretary of State to deal with such bidder.
11. Whenever a bidder has failed on two consecutive occasions to respond with a bid or with an indication of no bid to bidding invitations.
12. Any violation of this regulation.

C. EXPLANATION BY BIDDER. At any time after removal or suspension a bidder may submit in writing or in person an explanation of the circumstances which were the cause of the removal or suspension order, or may show that such circumstances have been corrected. (Failure of a manufacturer or supplier to furnish the commodity or equipment bid upon or any part thereof to the bidder does not relieve the bidder of responsibility.) On the basis of such explanation or showing the Secretary of State may modify or rescind the removal or suspension of such bidder.



## **SOLICITATION OF BIDS**

### **SECTION 3. HOW BIDS ARE SOLICITED BY SECRETARY OF STATE**

A. **NEWSPAPER ADVERTISEMENT.** The Office of the Secretary of State shall advertise in the "official newspaper" which has been selected by the Department of Finance in accordance with the provisions of The Illinois Purchasing Act as the official newspaper of the State of Illinois. In addition thereto, the Secretary of State may place advertisements relating to bids in other newspapers throughout the State. The advertisements shall appear in the official newspaper at least three times, and there shall be at least 10 days between the first and last advertisements. The advertisement shall state the date, hour, and place of the opening of bids referred to therein.

B. **INVITATIONS TO BID.** The Office of the Secretary of State shall forward invitations to bid to persons appearing on the bidders list in the classification of the item sought by the Secretary of State. The invitations shall contain the following:

1. The item to be bought.
2. The quantity of the item to be bought. (This may be a specified quantity, or all requirements up to a specified quantity during a certain period, or a specified quantity with the right reserved by the Secretary of State to increase or decrease it by a designated percentage.)
3. The specifications (and item number, if any) of the item.
4. Any installation, maintenance or repair services to be provided with the item.
5. The name and location of the requisitioning agency to which delivery is to be made.
6. The date or dates when delivery is to be made, or the period during which deliveries will be ordered and must be made.
7. All drawings or specifications or both relating to the construction, repair, renovation or rehabilitation of buildings.
8. Any other terms and conditions which bids must meet.

Invitations to bid will be sent out by mail, except in cases of emergency when they may be sent out by telegram or made by telephone.

C. **WHEN BIDS TO BE REQUESTED.** The Office of the Secretary of State may request persons other than those on the bidders list to submit bids relating to the purchase of specific items, if in the opinion of the Secretary of State the response to the general invitation to bid may not be sufficient in quantity to provide for adequate competitive bidding.

### **SECTION 4. POLICY CONCERNING SOLICITATION OF BIDS**

A. **COMPETITION ENCOURAGED.** The Office of the Secretary of State shall make every effort to obtain adequate competitive bidding. As a means of accomplishing this end, invitations to bid shall be forwarded in sufficient time and in such form as will permit the highest degree of full and free competition, and no specifications, restrictions or conditions which will in any way limit bidding will be permitted.

B. **INVITATIONS TO BID.** Invitations to bid will be sent to persons on the bidders list for the commodity, equipment or services in question, except in the following cases:

1. When bidder does not sell the particular commodity or equipment or does not perform the particular services sought.

2. If on two consecutive occasions a bidder returns the bid form marked "no bid" for a particular commodity, equipment or service, unless he indicates his desire to bid on such items in the future by a notation on the bid form or by a letter to the Secretary of State.
3. If the Secretary of State estimates the proposed order will total less than \$1,500 he may rotate the invitations to bid on any equitable basis, by using only a part of the bidders list each time he sends out invitations to bid.
4. The Secretary of State may confine the invitations to bid to bidders in a limited geographical area, when in his judgement the best interests of the State will be best served by so doing.
5. Where the goods or services to be procured are economically procurable from only one source, such as contracts for telephone service, electrical energy, and other public utility services, books, pamphlets and periodicals, and specially designed business equipment.
6. Where the services required are for professional, technical or artistic skills.
7. In emergencies provided that where funds are expended in an emergency by purchase, contract or otherwise, an affidavit of the person or persons authorizing the expenditure shall be filed with the Auditor General of the State of Illinois within ten days after the purchase or contract setting forth the conditions and circumstances requiring the emergency purchase.
8. In case of expenditures for personal services payable from an appropriation for personal services.
9. Contracts for repairs, maintenance, remodeling, renovation, construction, or for the purchase of supplies, materials, commodities and equipment, involving an expenditure not to exceed \$1,500.

## **SUBMISSION OF BIDS**

### **SECTION 5. BID FORM**

A. **STATE BID FORM.** Only bids submitted on the bid form furnished by the Secretary of State will be accepted. Any exceptions must have the approval of the Secretary of State. This will provide a uniform type of bid, so that there can be accurate comparison of the various bids by the Secretary of State, the bidders, and interested members of the public.

B. **USE OF TYPEWRITER OR INK.** Every bid shall be typewritten or written in ink. Every bid must be signed by the person submitting the bid or his duly authorized agent. Signatures shall be in ink.

C. **BIDS BY TELEPHONE OR TELEGRAM.** In cases of emergency, the invitation to bid will ask that bids be submitted by telephone or by telegram, with written confirmation following.

### **SECTION 6. TYPES OF BIDS**

A. **SEALED AND OPEN BIDS.** The invitation to bid will request "sealed bids" or "open bids." The bids are so designated because of the difference in method of handling.

B. **TYPE OF BID ASKED FOR BASED ON AMOUNT.** Bids will be asked for as follows:

1. If the Secretary of State estimates a proposed order will total \$1,500 or more, he will ask (except in emergencies) for sealed bids.
2. For estimated orders of less than \$1,500 and in all cases of emergency (when telegram or telephone bids will be requested), the Secretary of State will ask for open bids.

### **SECTION 7. WHAT BID MUST CONTAIN**

A. **SPECIFICATIONS.** The invitation to bid will state (or refer to) the specifications the commodities, equipment or service must meet, and the bid form furnished by the Secretary of State along with the invitation to bid will incorporate these specifications. In the case of telegram or telephone bids, the bid or written confirmation must also incorporate the specifications of the invitation to bid by reference.

B. **OTHER TERMS AND CONDITIONS.** The invitation to bid and bid form will also give any other terms and conditions the bid must meet.

C. **ITEMS MUST BE NEW AND CURRENT.** Unless otherwise specified in the invitation to bid, the items offered must all be new and the latest model or manufacture.

D. **BRAND NAME.** In the place provided on the bid form the brand name or trade mark, if any, must be shown for each item to be furnished.

E. **UNIT AND TOTAL PRICES.** The price for the units specified in the invitation to bid should be clearly shown for each separate item in the place provided on the bid form. Only one unit price should be quoted for each item. The total price for the quantity requested must also be shown.

F. **ACCEPTANCE OF SPLIT AWARD.** In some cases the Secretary of State may split the award of a contract when two or more bids quote the same price for the item being bought. If a split award is not acceptable it must be so stated in the bid.

G. **ANY OR ALL ITEMS.** A bid may be for any or all of the items covered by the invitation to bid. The award may be made to the lowest aggregate bidder for all items or on an item by item basis. The bid should so state if it is to be treated as an aggregate bid only.

H. **TIME PRICE WILL BE FIRM.** It must be stated in the place provided on the bid form the period of time the price will continue to be firm. This period must be at least 30 days after the latest time specified for submission of bids (unless otherwise provided in the invitation to bid.)

I. **ADDITION OF ESCALATOR CLAUSES BY BIDDER BARRED.** Unless the invitation to bid specifically permits it, a bid containing an "escalator clause" providing for an increase in price upon the happening of certain future contingencies (such as increases in the prices or wages which the bidder has to pay) will not be considered a firm bid.

J. **DELIVERED PRICE.** Unless otherwise specified in the invitation to bid, the bid price must be a delivered price, f. o. b. the requisitioning division, with all transportation and handling charges paid by the bidder. In computing transportation costs, bidders should not include any federal transportation tax, inasmuch as deliveries to the State are exempt from the tax.

K. **EARLIEST DELIVERY TIME.** Bidder must be in a position to make delivery within 30 days unless otherwise specified in the invitation to bid. On items on which delivery cannot be made within 30 days, the bid must so indicate.

L. **SOURCE OF SUPPLY.** If the bidder is not a manufacturer or an established distributor, dealer, or jobber, the source of supply must be shown.

M. **MAINTENANCE AND REPAIR SERVICES.** If the invitation to bid specifies that maintenance or repair services must be provided by the successful bidder, each bidder should explain in the bid how the services will be provided (that is, whether by the bidder or through an arrangement with another person or firm).

N. **RETAILERS' OCCUPATION TAX.** Bidders should not include Sales Tax (R. O. T.) in their quotations. Receipts from sales to the State of Illinois (effective August 1, 1953) are exempt from Retailers' Occupation Tax.

O. **FEDERAL EXCISE TAX.** Bidders must not include in their prices, any allowance for payment of federal excise tax, as the State is exempt from such taxes. If a contract is awarded for the sale of an item that is subject to federal excise tax, the requisitioning division will furnish the vendor with an exemption certificate, Form EX-100.

P. **CERTIFICATION.** Each bidder must certify in his bid that the award of a contract to him would not be barred under section 15e, f or g of this regulation. The form of this certification will be provided in the bid form.

Q. **MATERIALS.** All materials, soft goods, equipment, machinery and any other items that have been made, manufactured or sold in the State of Illinois for less than one year may be rejected by the Secretary of State if, in his opinion, the item has not been sufficiently tested to prove its merit.

## **SECTION 8. HOW TO SUBMIT BIDS**

A. **SPECIAL ENVELOPE FOR SEALED BIDS.** Special envelopes to be used by bidders in submitting sealed bids pursuant to invitations to bid shall be supplied by the Secretary of State. The envelope shall contain the following information on the outside:

1. The date and time of the bid opening.
2. The commodity, equipment or service classification.
3. The words "SEALED BID" in large capital letters.

B. **SPECIAL ENVELOPES NOT REQUIRED FOR OPEN BIDS.** Special envelopes are not required for the submitting of open bids and the bidder should use his own envelope which shall have the following information on the outside:



1. The date of bid opening.
2. The commodity, equipment or service classification.

C. **WHERE TO SUBMIT BIDS.** All bids must be submitted to the Secretary of State at the address specified in the invitation to bid. (Bidder must be certain that each bid carries sufficient postage, as the Secretary of State is not authorized to pay any postage due.)

D. **WHEN TO SUBMIT BIDS.** Invitations for sealed bids for estimated order of \$1,500.00 or more will state the place, date and hour of opening of bids. Invitations for open bids for estimated orders of under \$1,500.00 will require submission of bids by a specified date. In either case, the date specified will ordinarily be at least ten days after the invitations to bid are sent out.

E. **CHANGE IN OR WITHDRAWAL OF BID.** A bidder may withdraw or change a bid if notice of the withdrawal or change is received by the Secretary of State before the latest time specified for submission of bids. Any such changes may be made only by substitution of another bid, or by a letter or telegram stating that the bid shall be changed by a specified amount without giving the final figure resulting from the change. Withdrawals of bids after bid opening will be allowed only in those cases in which the Secretary of State finds from clearly demonstrable evidence that the bidder has made a bona-fide error in the preparation of the bid and that such error will result in a substantial loss to the bidder.

F. **LATE BIDS.** No bids received after the time specified in the invitation to bid will be considered.

## **SECTION 9. BID CHECK MAY BE REQUESTED**

A. **FORM OF BID CHECK.** The Secretary of State may specify in an invitation to bid that a certified check, cashier's check or bank draft must be filed by the bidder with his bid in an amount specified in the invitation to bid.

B. **AMOUNT OF BID CHECK.** In no instance, however, shall the bid check required by the Secretary of State exceed ten percent (10%) of the estimated total of the particular proposal.

C. **CONDITIONS REQUIRED.** The return of the bid check to the successful bidder shall be conditioned upon his full compliance with all obligations imposed upon him under this regulation; and, upon his full compliance with all the provisions of the invitation to bid, proposal and specifications, including the obligation to keep his price firm for the period specified in his bid and the obligation to file a "Performance Bond", if required.

D. **DEPOSIT AGREEMENT.** The certified check, cashier's check or bank draft shall be security for full performance of all obligations referred to in paragraph C above. The Secretary of State may endorse the check and retain that portion of the proceeds necessary to compensate the State of Illinois for damages sustained resulting from failure of the bidder to meet the obligations imposed upon him.

E. **RETURN OF CHECKS.** Bid checks of unsuccessful bidders will be returned to them as soon as possible after an award is made. The bid check of the successful bidder shall be returned as soon as possible after the contract is awarded, or completed.

## **SECTION 10. SUBMISSION OF SAMPLES WITH BID**

A. **HOW TO SUBMIT SAMPLES.** Any samples called for in the invitation to bid should be submitted to the Office of the Secretary of State at the address specified in the invitation. Each sample must be labeled clearly with the vendor's name, address, the commodity, equipment or serv-

ice classification, the item (and item number, if any), and the latest time specified in the invitation for submission of bids, so the corresponding bid can be readily identified. *Samples must not be enclosed in the same envelope or package with a bid.*

B. TRANSPORTATION CHARGES. No samples will be accepted by the Secretary of State unless all transportation charges, including cartage, have been prepaid.

C. REPRESENTATIVE SAMPLE. All samples submitted must be representative of the commodities or equipment which will be delivered if awarded a contract. Samples submitted by successful bidders will be retained for use in checking items delivered under the contract, but the submission of samples shall not limit the right of the Secretary of State to insist that commodities or equipment delivered must also meet the specifications of the invitation to bid.

D. DISPOSITION OF SAMPLES. No payment will be made for samples. However, samples not destroyed by examination or testing will be returned to bidders (if so requested when samples are submitted, by marking sample "Please return sample"), at the bidder's expense.

## **SECTION 11. EFFECT OF THIS REGULATION**

A. ALL BIDS SUBMITTED TO THE SECRETARY OF STATE AND ALL CONTRACTS AWARDED ON SUCH BIDS ARE SUBJECT TO THIS PURCHASING REGULATION. When bids are submitted the bidder must sign a statement agreeing to this, in consideration of the undertaking by the State of Illinois to handle the bid and to make awards in accordance with this regulation.

B. STATE HAS OPTION. The submission of a bid gives the State an option (binding for the period of time the bidder states the price is firm) to treat the bid in the manner explained in this Regulation and to buy the commodities or equipment or contract for the services in accordance with this Regulation.



## **HANDLING OF BIDS**

### **SECTION 12. HANDLING OF SEALED BIDS**

A. **FORMAL BID OPENING FOR ORDERS OF \$1,500 OR MORE.** All sealed bids for estimated orders of \$1,500 or more will be opened, the amounts of the bids read aloud, and the names of the bidders recorded, at the place, date, and hour specified in the invitation to bid. The bid opening will be conducted by two or more representatives of the Secretary of State.

B. **BIDDERS MAY BE PRESENT.** Bidders (or their authorized representatives) are invited to be present at any such opening of bids.

C. **BID SPEAKS FOR ITSELF.** If the person reading the bids happens to make a mistake when reading a bid aloud, the figure actually given in the bid shall govern.

D. **RECORDING OF BIDS.** The name of the bidder will be recorded as each bid is read. As soon as all bids have been opened and read, the two representatives of the Secretary of State and any interested witnesses wishing to do so, will sign the following certification placed below the last bidder's name:

"We hereby certify that the bids submitted by the bidders whose names are recorded above were opened, read, and recorded at the place and time specified in the invitation to bid."

E. **PROMPT TABULATION AND AWARD.** Sealed bids will be tabulated for comparison and the award made as soon as reasonably possible after the opening and recording of the bids.

F. **PUBLIC RECORD OF SEALED BIDS.** The record of bidders' names prepared at the bid opening and all the bids and tabulation sheets will be kept in the Office of the Secretary of State for a period of five years after the award is made, and will be available for inspection at reasonable hours by any interested person.

### **SECTION 13. HANDLING OF OPEN BIDS**

A. **PROCESSED AS SOON AS POSSIBLE.** Open bids will be examined and the award made as soon as reasonably possible after the latest time specified for submission of the bids.

B. **PUBLIC RECORD OF OPEN BIDS.** All written bids, confirmations in writing of oral bids, and tabulation sheets (if any) will be kept in the Office of the Secretary of State.



## AWARDING OF CONTRACTS

### SECTION 14. STANDARDS FOR AWARDING CONTRACTS

A. **LOWEST AND BEST BID.** The awards will be made to the bidder whose bid conforms to the following:

1. Meets the specifications and other requirements of the invitation to bid.
2. Is the lowest and best bid considering price, responsibility of bidder and other relevant factors as indicated herein.
  - a. **Cash Discounts.** In determining the lowest bid, only when the invitation to bid asks to have cash discounts stated separately, cash discounts having a period of 30 days or more will be taken into account.
  - b. **Trade Discounts.** Trade discounts should never be shown separately, but should always be deducted by the vendor in calculating the unit price quoted.
  - c. **Quantity Discounts.** Quantity discounts should be included in the price of the item. Such discounts will not be considered where set out separately unless the invitation to bid so specifies. When quantity discounts are requested by the invitation, the price per item shown on the purchase order will be net (after application of such discount).
  - d. **Retailers' Occupation Tax.** Bidders should not include sales tax (R. O. T.) in their quotations. Receipts from sales to the State of Illinois, effective August 1, 1953, are exempt from Retailers' Occupation Tax.
  - e. **Unit Price Governs.** In case of a mistake in the extension of a price, the unit price shall govern.
  - f. **Awards of any or all items.** An award may be made to the lowest aggregate bidder for all items or on an item basis, whichever the Secretary of State finds to be in the best interest of the State.

B. **TIE BIDS.** In the event that two or more bids meeting the specifications and other requirements of the invitation to bid are identical, those bids will be treated as follows:

1. If there is a significant difference in the responsibility of the bidders (including ability to deliver in the quantity and at the time required), the award will be made to the bidder who is deemed by the Secretary of State to be the most responsible.
2. If there is no significant difference in the responsibility of the bidders, but there is a difference in the quality of the commodities or equipment offered, the bid offering the best quality will be accepted.
3. If there is no significant difference in the responsibility of the bidders and no difference in the quality of the items offered, the bid offering the earliest delivery time will be accepted in any case in which the invitation to bid specified that the needs of the requisitioning division require as early delivery as possible. In all other cases, delivery time will not be considered in making awards so long as the bidder states he will deliver not later than the time specified in the invitation to bid as the latest acceptable delivery time.
4. If everything is equal, except that some of the bidders are not from Illinois, preference will be given to the Illinois bidders. The term "Illinois bidders" includes individual bidders who reside or do business in Illinois, corporations organized under the laws of Illinois, and corporations organized in other States but authorized to transact business in Illinois. An additional preference may also be given in such cases to Illinois bidders offering commodities or equipment grown or produced in Illinois.
5. If the bids quoting the same price are equal in every respect, the award:

- a. may be made by lot to one or more of the low bidders; or may be split equally among all the low bidders if, in the judgment of the Secretary of State, this is feasible, will not lead to any limitation of competition among bidders, and is in the best interest of the State of Illinois; and
- b. in the case of coal mined in the State of Illinois, will be made (as required by statute) so as to secure as nearly as practicable a fair distribution of employment to the miners employed throughout the State.

C. **SPECIAL RULES FOR PURCHASE OF FUEL.** Contracts for the purchase of coal are governed by special statutory provisions as to price, and by other statutory provisions giving a preference to coal mined in Illinois. All contracts for the purchase of coal or any other kind of fuel are subject to the approval of the Governor.

## **SECTION 15. GROUNDS FOR REJECTION OF BIDS**

A. **NON-RESPONSIVE BIDS.** Any bid which does not meet the requirements of the invitation to bid or does not comply with the provisions of this regulation may be rejected.

B. **ALTERATIONS AND ERASURES.** Bids containing any material alteration or erasure may be rejected unless the change is initialed by the bidder.

C. **RESPONSIBILITY OF THE BIDDER.** The Secretary of State may at any time make a supplementary investigation as to the responsibility of any bidder, even though the bidder is on the bidders list for the item being bought. This may include investigation of financial responsibility, capacity to produce or sources of supply, performance record in the business or industry, and other matters relating to the bidder's probable ability to deliver in the quantity and at the time required under the contract if it is awarded to him. The Secretary of State may require the submission of written statements from the bidder or other persons concerning any of such matters.

If the Secretary of State concludes on the basis of all available evidence that a particular bidder appears not to be sufficiently responsible to assure adequate performance if the contract were awarded to him, his bid will be rejected even if it is the lowest bid.

If in the judgment of the Secretary of State there is some question about the responsibility of the low bidder but the interest of the State of Illinois would be adequately protected by the filing of a performance bond of the kind described herein or the deposit of a certified check, cashier's check or bank draft as security for performance, he may require the low bidder to file such a bond or deposit such a check whether or not it was provided for in the invitation to bid, and upon the filing of the bond or deposit of the check may make the award to the low bidder.

D. **AVAILABILITY OF MAINTENANCE AND REPAIR SERVICES.** If the invitation to bid specifies that maintenance or repair services will have to be provided by the successful bidder at bidder's expense and if in the judgment of the Secretary of State the lowest bidder could not be depended upon to provide such services promptly, his bid may be rejected even though it is the lowest bid.

E. **CONTRACTS IN WHICH MEMBERS OF THE GENERAL ASSEMBLY OR CERTAIN STATE OFFICERS OR EMPLOYEES HAVE INTEREST ARE PROHIBITED.** Any bid the acceptance of which would result in any of the following prohibited types of contracts will be rejected:

1. The Constitution of the State of Illinois provides that no member of the General Assembly shall be interested, directly or indirectly, in any State contract authorized by any law (including any appropriations statute) passed during the term for which he was elected or within one year after the end of such term.

2. The Constitution also provides that no member of the General Assembly or other officer of the State shall be interested, directly or indirectly, in any State contract for the purchase of fuel.
3. The statute relating to State contracts provides, that no contract be let if any of the following persons have an interest in said contracts:
  - a. any member of the General Assembly.
  - b. any person holding State office.
  - c. the spouse or child of any member of the General Assembly or of any State Officer.
  - d. any person employed, in any office of the State, or the spouse or child of any person so employed.
  - e. a corporation of which any person described in a, b, c, or d, is an officer, director, or the owner (separately or together with husband or wife) of 7½% or more by dollar value of the shares of stock.
  - f. a corporation, partnership, or sole proprietorship of which any person described in a, b, c, or d is an employee or agent if said person is entitled to receive in the aggregate more than 15% of the total distributable income.

F. ATTEMPT TO INFLUENCE AWARD. No person on a bidders list or who submits or intends to submit a bid to the Secretary of State shall give or offer to give, directly or indirectly, any money, article or other thing of value to:

1. any officer or employee of the Secretary of State.
2. any officer or employee of any requisitioning division that has submitted or may submit a requisition for any item sold by such person.

If any person makes or offers to make a gift prohibited by this paragraph, all bids, submitted by him, will be rejected and the bidder will be barred from further bidding for a period of time fixed by the Secretary of State. The Secretary of State will notify the Attorney General of any violation of this paragraph, in order that he may take such action as he deems appropriate.

G. COLLUSIVE BIDS. If in the judgment of the Secretary of State there is reasonable ground to believe that there is an agreement among certain of the bidders, or between them and certain prospective bidders, to restrain the competitive bidding by establishing a fixed price or by any other means, the bids of all such bidders will be rejected, and the bidders and prospective bidders will be barred from further bidding for a period of time fixed by the Secretary of State. The Secretary of State will notify the bidders of the reason why all bids were rejected.

## **SECTION 16. BINDING CONTRACT WITH STATE**

A. PURCHASE ORDER. After the lowest and best bid has been determined the Secretary of State will send the successful bidder a purchase order accepting his bid.

B. BINDING ON BIDDER. The Secretary of State's acceptance of the bidder's offer by the issuance of a purchase order will create a binding contract containing the following:

1. All the specifications, terms and conditions in the invitation to bid.
2. The provisions of this regulation.
3. The bidder's price and terms of payment.

The successful bidder must perform in accordance with the contract so made, or he will be liable to the Secretary of State for any damages caused it by his breach of contract.

C. NO CHANGES IMPAIRING RIGHTS OF STATE PERMITTED. After the contract between the successful bidder and the Secretary of State has been entered into by the issuance of a purchase order, no changes (such as a substitution or a price adjustment) may be made in its terms and conditions, if such changes would result in an impairment of any of the rights of the Secretary of State under the contract.



## **SECTION 17. SUPPLEMENTARY PURCHASES AND ADDITIONAL WORK**

A. **CONDITIONS WHEN PERMITTED ON PURCHASES.** When the Secretary of State issues a purchase order for a particular item after following the competitive bidding procedures, he may at any time within 90 days thereafter issue a second purchase order to the same vendor or an amendment to the original order for an additional quantity of the same item at the same price and on the same terms and conditions, provided:

1. he determines from the vendor that the purchase order will be accepted if issued; and
2. he finds that the market price of the commodity or equipment in question has not gone down since the first purchase; and
3. he will not issue more than one such supplementary purchase order or amendment for a particular item without repeating the competitive bidding procedure; and
4. that the amount of the second or additional purchase is not of such magnitude as to constitute a substantial or material variation of the original contract.

B. **CONDITIONS WHEN PERMITTED ON CONSTRUCTION.** The Secretary of State may contract with the successful contractor for the furnishing of additional work on a contractual basis without repeating the competitive bidding procedure, provided:

1. the contractor's proposal to perform the work is for a price less than an estimate of cost for such work prepared by the supervising architect; and
2. the work does not represent a substantial variation from the original contract so as to amount to a new undertaking.



## **PERFORMANCE BY SUCCESSFUL BIDDER**

### **SECTION 18. PERFORMANCE BOND**

A. **MAY BE REQUIRED.** The Secretary of State shall have the right to require that the successful bidder shall file a "Performance Bond" in a designated amount whenever it shall appear to be in the best interest of the State to do so. It may be required that the Bond be filed within a specified number of days after the award is made or the contract shall be cancelled and the vendor shall be liable for any damages caused the State by his failure to file the bond.

B. **AMOUNT.** Such Performance Bond may be required in any amount up to 100% of the amount of the contract, depending upon the nature of the transaction.

C. **SURETY REQUIRED.** In addition to signing the bond as principal, the successful bidder must have the bond signed by a Surety Company authorized to do business in the State of Illinois. A list of such companies may be obtained from the State Department of Insurance in either Springfield or Chicago, Illinois. If the surety on the bond has its authority to do business in this State revoked or if for any reason it withdraws from doing business in this State, the bidder must promptly obtain another surety on the bond.

D. **CONDITIONS OF BOND.** The bond shall be conditioned on the full performance of all obligations imposed on the bidder by the contract with the Secretary of State. It shall provide that if the bidder fails to perform any of such obligations the Secretary of State may recover from the bidder and the surety (or either of them) any and all damages suffered because of the breach of contract.

E. **SOURCE OF SUPPLY MAY ALSO BE REQUIRED TO FILE BOND.**  
If the bidder does not have a stock of the commodity or equipment in question in the amount asked for nor facilities to produce the item in such amount, the Secretary of State may in addition require the source of supply to file a Performance Bond, with surety, conditioned on such source supplying the bidder as stated in the bid.

F. **FORM OF BONDS.** The bonds required by this section must be prepared on bond forms provided by the Secretary of State. These bond forms will be furnished by the Secretary of State at the time he issues the purchase order to the successful bidder.

### **SECTION 19. DELIVERIES UNDER THE CONTRACT**

A. **UPON ORDER.** Deliveries shall be made upon the written order of the Office of the Secretary of State at the times and in the amounts specified in the invitation to bid and in such orders for delivery. Acceptance of any late deliveries shall not constitute a waiver of any of the rights of the Secretary of State under its contract with the vendor.

B. **DELIVERY POINT.** All deliveries shall be made to the point or points specified in the invitation to bid.

C. **FREIGHT TO BE PAID BY SELLER.** The Office of the Secretary of State will stipulate in the invitation to bid that prices shall be quoted f. o. b. a certain division of the Office of the Secretary of State at some location in the State of Illinois. Delivery must be f. o. b. destination stated in the invitation to bid. The vendor must pay all transportation charges to destination and he will not be reimbursed for such transportation charges.

D. **VENDOR RESPONSIBLE FOR DELIVERY IN ALL CASES.** The vendor is responsible for delivery to the point of destination and if damage or loss occurs in transit, the vendor is responsible for the filing of any claims with the carrier for breakage or other loss.

E. **PACKAGING AND CRATING.** All commodities or equipment shall be delivered strongly packed, according to accepted commercial practice and the packaging and marking instructions in the invitation to bid. No charge shall be made for packing cases, baling, crating, barrels, drums, sacks or other containers, except that if the vendor so specifies in the bid, the vendor may make a memorandum charge and require the Secretary of State (1) to return such containers for credit, with transportation costs paid by the vendor, or (2) to pay for them if not returned in a reasonable length of time.

## **SECTION 20. INSPECTION**

A. **ALL DELIVERIES SUBJECT TO INSPECTION.** Any commodities or equipment that fail in any respect (1) to meet the specifications, (2) to conform to the vendor's samples, or (3) are not in good condition when delivered will be subject to rejection.

B. **NOTICE TO VENDOR.** Notice of any such rejection based on defects that should be disclosed by ordinary methods of inspection will be given to the vendor within a reasonable time after delivery of the item. Notice of latent defects which would make the items unfit for the purpose for which they are required may be given by the Secretary of State at any time within one year after delivery.

C. **VENDOR MUST REMOVE REJECTED ITEMS.** The vendor must remove immediately at his own expense, any items rejected by the Secretary of State. If the vendor fails to remove the items, the Secretary of State may sell them and remit the proceeds of the sale (less any expenses incurred in the sale) to the vendor.

D. **INSPECTION AT SOURCE.** In some cases the Secretary of State may require that the vendor permit inspection of the commodities or equipment at the factory, plant, or other establishment where they are produced or grown.

E. **OTHER RIGHTS OF SECRETARY OF STATE.** This section 20 shall not be construed to limit in any way any rights the Secretary of State may have under any law, including the Uniform Sales Act, applicable to any transaction covered by this Purchasing Regulation.

## **SECTION 21. ASSIGNMENTS BY SUCCESSFUL BIDDER**

A. **CONTRACT NON-ASSIGNABLE WITHOUT APPROVAL.** Because the responsibility of the individual bidder is an essential element of his contract with the Secretary of State, a person to whom such a contract has been awarded may not assign his interest in the contract without the consent in writing of the Secretary of State.

B. **ASSIGNMENT FOR FINANCING.** However, claims for money due or to become due under the contract may be assigned to a bank, trust company or other person, and may be assigned again thereafter. Notice of any such assignment must be given by the vendor or his assignee to the Secretary of State, the requisitioning division and the Auditor of Public Accounts immediately after the assignment is made, and the invoice-voucher submitted by the vendor must clearly show both his name and address and his assignee's name and address. The warrant issued by the Auditor of Public Accounts will be payable in such case jointly to the vendor and the assignee, and will be forwarded to the assignee. Any such assignment shall be subject to the set-off rights of the State provided in Illinois Revised Statutes (1953), Chapter 15, Sections 12-13.

## **SECTION 22. CANCELLATION OF CONTRACT BY STATE AND COMPENSATION FOR DAMAGES**

A. CANCELLATION FOR BREACH OF CONTRACT. In any of the following cases the Secretary of State shall have the right to cancel any contract entered into under this regulation:

1. In the event the successful bidder fails to furnish a satisfactory performance bond within the time specified.
2. In the event vendor fails to make delivery within the time specified in the contract or order.
3. In the event any commodities or equipment delivered under the contract are rejected (because they do not meet specifications, do not conform to sample, or are not in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's commodities or equipment this shall be grounds for cancellation even though the vendor offers to replace the items promptly.
4. In the event the vendor is guilty of such serious misrepresentation in connection with the contract or another contract for the sale of commodities or equipment to the State that he cannot reasonably be depended upon to fulfill his obligations as a responsible vendor under any of his contracts with the State.
5. In the event of any other breach of contract by the vendor.

The above shall not be grounds for cancellation; however, if they are caused by war, acts of public enemies, fire, flood, acts of God, or any other events not within the vendor's control and which he could not by the exercise of reasonable diligence have avoided.

B. CANCELLATION FOR FRAUD, COLLUSION, ILLEGALITY, ETC. The Secretary of State may cancel any contract entered into under this regulation if, in his judgment, there is sufficient evidence to show that:

1. The contract was obtained by fraud, collusion, conspiracy, or other unlawful means, or:
2. The contract conflicts with any statutory or Constitutional provision of the State of Illinois or of the United States, or with the provisions of section 15e (3) of this regulation.

The Secretary of State will notify the Attorney General of the facts upon which such cancellation is based, in order that he may take such action as he deems appropriate.

C. CONSENT OF GOVERNOR REQUIRED IN SOME CASES. If the contract is approved by the Governor when awarded (such as a contract for coal), it may be cancelled only with the consent of the Governor.

D. WITHHOLDING MONEYS TO COMPENSATE STATE FOR DAMAGES. If a contract is cancelled under paragraph A or B above, the State may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the Secretary of State for any damages suffered by it because of the vendor's breach of contract or other unlawful act on his part on which the cancellation is based.

E. DAMAGES. The damages for which the Secretary of State may be compensated as provided in paragraph D above or by a suit on the vendor's performance bond or by other legal remedy shall include:

1. the additional cost of commodities or equipment bought elsewhere;
2. cost of repeating the competitive bidding procedure;
3. any expenses incurred because of delay in receipt of commodities or equipment; and
4. any other damages caused by the vendor's breach of contract or unlawful act.

However, they shall not include any losses caused by war, acts of public enemies, fire, flood, acts of God, or any other events not within the vendor's control and which he could not by any exercise of reasonable diligence have avoided.

F. **BARRED FROM FURTHER BIDDING.** A vendor whose contract is cancelled under paragraph A or B above may be barred from further bidding for a period of time fixed by the Secretary of State.

## **SECTION 23. SUBMISSION OF INVOICE-VOUCHERS**

A. **INVOICE-VOUCHER FORM FURNISHED BY STATE.** To bill the Secretary of State, the vendor must fill out the State of Illinois, Secretary of State, invoice-voucher Form No. SOS-3. The vendor should keep a copy for his files as indicated on the invoice-voucher, and at the time the vendor delivers the commodities or equipment the vendor should submit the remaining copies to the requisitioning division as directed on the invoice-voucher.

B. **DETAILED DESCRIPTION OF COMMODITIES OR EQUIPMENT.** The invoice-voucher should give a complete and detailed description of the commodities or equipment delivered.

C. **INCOMPLETE OR COMPLETE DELIVERY.** If delivery is made of only part of the items described on the purchase order the vendor must put a mark in the space on the invoice-voucher following the word "Incomplete". If delivery is made of all the items described on the purchase order, or if the invoice-voucher relates to a final shipment that completes such delivery, the vendor should put a mark in the space following the word "Complete".

D. **PARTIAL PAYMENTS.** If more than one shipment is required under the contract, the Secretary of State will make partial payment of the contract price as it receives the vendor's invoice-vouchers relating to the separate deliveries.

E. **COMPUTATION OF CASH DISCOUNTS.** If the vendor allows a cash discount, the period of time in which the Secretary of State must make payment to qualify for the discounts will be computed from the date the requisitioning division (1) receives the invoice-voucher (correctly filled out) or (2) receives and officially accepts the commodities or equipment, whichever is later. In addition, if any commodities or equipment are rejected, all time from the mailing of the notice of rejection to the acceptance of items delivered shall be excluded from the discount period.



## **OTHER PROCEDURES**

### **SECTION 24. WHEN THIS PROCEDURE MAY BE WAIVED BY THE SECRETARY OF STATE**

A. **COMMODITIES OR EQUIPMENT NOT SUBJECT TO COMPETITION.** If the commodities or equipment to be bought cannot by their nature be the subject of competition, the competitive bidding provisions of this regulation will not apply. In such cases the Secretary of State may issue a purchase order directly without following the procedure described above. Some examples of items which by their nature cannot be the subject of competition are the following:

1. A repair part which can be bought only from a single source because needed for a particular make of equipment.
2. Any item offered for sale as surplus property by any agency of a State or municipal government or by the United States Government.
3. Any item the cost of which is so small as to make competitive bidding for a contract for the purchase of the item impracticable.

B. **EMERGENCY MAKES UNFEASIBLE.** If emergency circumstances make it administratively unfeasible for the Secretary of State to follow exactly the procedure described in this Purchasing Regulation, and if it is in the best interest of the State of Illinois, the Secretary of State need not comply with the regulation.



## **TECHNICAL PROVISIONS**

### **SECTION 25. DEFINITIONS**

Whenever used in this regulation, the terms below have the meaning indicated:

A. **BIDDER.** "Bidder" means any person who intends to submit a bid for a contract with the Secretary of State to sell commodities or equipment to the State of Illinois or who submits such a bid, or any person who intends to submit a bid for a contract with the Secretary of State to completely furnish all materials, supplies and equipment in connection with an installation, repair work, or construction.

B. **COMMODITIES, EQUIPMENT OR SERVICES.** The words "commodities or equipment" or "commodities, equipment and services" include contracts for repair, maintenance, remodeling, renovation or construction.

C. **PERSON.** "Person" means any individual or any partnership, corporation, association, or other organized group of individuals.

D. **REQUISITIONING DIVISION.** "Requisitioning Division" means any division of the Office of the Secretary of State of the State of Illinois that submits a requisition to the Purchasing Division of the Office of the Secretary of State asking for the purchase of commodities or equipment.

E. **CASH DISCOUNTS.** "Cash Discount" is a discount or an allowance deductible from the total amount of the invoice, for payment within a specified number of days.

F. **TRADE DISCOUNTS.** "Trade Discount" is a special discount allowed by the bidder to special classes of purchasers.

G. **QUANTITY DISCOUNTS.** "Quantity Discount" is a discount allowed by the bidder for specified quantities of the item.





## APPENDIX I

### THE ILLINOIS PURCHASING ACT

Section 1. This Act shall be known and may be cited as "The Illinois Purchasing Act".

Section 2. It is the purpose of this Act and is hereby declared to be the policy of the State that the principle of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts for which State funds are expended.

Section 3. As used in this Act, unless the context otherwise requires:

a. "State agency" means and includes each officer, department, board, commission, institution, body politic and corporate of the State and any other person expending or encumbering State funds by virtue of an annual or biennial appropriation from the General Assembly.

b. "Person" means and includes any individual, firm, corporation, association or unit.

c. "Licensed Architect" means a person who is registered as an Architect by the Department of Registration and Education, State of Illinois.

d. "Engineer" means a person who is registered as a Professional Engineer or a Structural Engineer by the Department of Registration and Education, State of Illinois.

Section 4. The Department of Finance shall select a secular newspaper printed in the English language of general circulation, to be designated as the "official newspaper", which newspaper so selected shall continue to be the official newspaper of the State of Illinois for a period of one year from the time of its selection. No purchases, contracts, or other obligation or expenditure of funds, except as hereinafter provided, shall be entered into, or made by any State agency, unless and until an advertisement for bids therefor shall have been published at least three times, the first and last of which publications shall be at least 10 days apart, in the official newspaper of the State of Illinois. Such advertisement shall state the day, hour and place when and where bids will be opened. Any and all bids may be rejected, and when all bids are rejected, a re-advertisement for bids therefor shall be published in the same manner as the original advertisement.

Section 5. All purchases, contracts or other obligation or expenditure of funds by any State agency shall be in accordance with rules and regulations governing such State agency's procurement practices and procedures which it shall promulgate and publish in sufficient number for distribution to persons interested in bidding on purchases or contracts to be let by such State agency.

Such rules and regulations shall be filed and shall become effective in accordance with the provisions of "An Act concerning administrative rules", approved June 14, 1951, as heretofore or hereafter amended; provided, such rules and regulations and all additions or amendments thereto shall be approved by the Department of Finance and shall not become effective until such approval.

Section 6. The rules and regulations required by Section 5 of this Act shall provide, among other matters which are not in conflict with the policies and principles herein set forth:

a. That all purchases, contracts and expenditure of funds shall be awarded to the lowest responsible bidder considering conformity with specifications, terms of delivery, quality and serviceability; except that bidding shall not be required in the following cases:

(1) Where the goods or services to be procured are economically procurable from only one source, such as contracts for telephone service, electrici-

cal energy, and other public utility services, books, pamphlets and periodicals, and specially designed business equipment;

(2) Where the services required are for professional, technical or artistic skills;

(3) In emergencies; provided, that where funds are expended in an emergency by purchase, contract or otherwise, an affidavit of the person or persons authorizing the expenditure shall be filed with the Auditor General of the State of Illinois within ten days after the said purchase or contract setting forth the conditions and circumstances requiring the emergency purchase;

(4) In case of expenditures for personal services payable from an appropriation for personal services;

(5) Contracts for repairs, maintenance, remodeling, renovation, or construction, involving an expenditure not to exceed \$1,500;

(6) Contracts for the purchase of supplies, materials, commodities and equipment, involving an expenditure not to exceed \$1,500.

b. That solicitation for bids shall be in conformance with accepted business practices and the method of such solicitation shall be set out in detail.

c. That proposals shall be publicly opened at the day and hour and at the place specified in the solicitations for bids.

d. That any bidder may be suspended for not more than one year for violation of the rules and regulations of any State agency adopted in pursuance of Section 5 of this Act or for failure to conform to specifications or terms of delivery.

Section 7. The rules and regulations of State agencies required by Section 5 of this Act together with any changes or additions also shall be deposited with the purchasing Agent of the Department of Finance and he shall upon request make them available to any person interested in bidding on purchases or contracts to be let by any State agency.

Section 8. Any State agency, not otherwise subject to the jurisdiction of the Department of Finance for purchasing, may, upon request to the Director of the Department of Finance and under such reasonable conditions as the Director may impose, use the procurement facilities of the Department of Finance for purchases and contracts.

Section 9. Any contract entered into or expenditure of funds by a State agency for remodeling, renovation or construction, involving an expenditure in excess of \$2,500 shall be subject to the supervision of a licensed architect or engineer and no payment shall be paid for such remodeling, renovation or construction unless the vouchers or invoice for such work is accompanied by a written certificate of such licensed architect or engineer that the payment represents work satisfactorily completed; labor; or materials incorporated in or stored at the site of such work; provided, periodic payments can be made during the course of such work upon a certificate of such licensed architect or engineer and indicating the proportionate amount of the total work completed satisfactorily.

Section 10. Any contract entered into or purchase or expenditure of State funds made in violation of this Act or the rules and regulations adopted in pursuance of this Act is void and of no effect.

Section 11. All sellers to the State shall attach a statement to the delivery invoice attesting that the standards set in the contract have been met.

The statement shall be substantially in the following form:

"The seller, ....., hereby certifies that the goods, merchandise and wares shipped in accordance with the attached delivery invoice have met all of the required standards set forth in the purchasing contract.

.....  
Seller"

Section 12. Whoever violates this Act or the rules and regulations adopted in pursuance of it is guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be fined an amount not to exceed \$5,000 or imprisoned in jail for a period not to exceed one year, or both.



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